

Sec. 9-1-209 W-2 Shoreland-Wetland District.

(a) **Designation.**

- (1) This District shall include all shorelands within the jurisdiction of this Chapter which are wetlands of five (5) acres or more; shown on the Wisconsin Wetland Inventory maps, stamped "FINAL" on October 16, 1984, that are hereby adopted and made a part of this Chapter and are on file in the office of the Zoning Administrator for Iron County. A portion of a wetland which is less than five (5) acres in size, and which is located in the unincorporated shoreland area within the County, shall be included in the shoreland-wetland district where the wetland as a whole is five (5) acres or larger, but extends across the corporate limits of a municipality, across the County boundary or across the shoreland limits, so that the wetland is not regulated in its entirety by the County.
- (2) This District is intended to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner that minimized adverse impacts upon the wetland.

(b) **Permitted Uses.** The following uses shall be allowed, subject to general shoreland zoning regulations of this Chapter, the provisions of Chapters 30 and 31, Wis. Stats., and the provisions of other state and federal laws, if applicable:

- (1) Activities and uses which do not require the issuance of a zoning permit, but which must be carried out without filling, flooding, draining, dredging, ditching, tiling or excavating:
 - a. Hiking, fishing, trapping, hunting, swimming and boating;
 - b. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
 - c. The pasturing of livestock;
 - d. The cultivation of agricultural crops;
 - e. The practice of silviculture, including the planting, thinning and harvesting of timber;
 - f. The construction and maintenance of duck blinds.
- (2) Uses which do not require the issuance of a zoning permit and which may involve filling, flooding, draining, dredging, ditching, tiling, or excavating to the extent specifically provided below:
 - a. Temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;
 - b. Dike and dam construction and ditching for the purpose of growing and harvesting cranberries;

- c. Ditching, tiling, dredging, excavating or filling done to maintain or repair existing agricultural drainage systems only to the extent necessary to maintain the level of drainage required to continue the existing agricultural use and only where permissible under Sec. 30.20, Wis. Stats. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system, provided that dredged spoil is placed on existing spoil banks where possible and such filling is permissible under Chapter 30, Wis. Stats.;
 - d. Limited excavating and filling necessary for the construction and maintenance of fences for the pasturing of livestock;
 - e. Limited excavating and filling necessary for the construction and maintenance of piers, docks and walkways built on pilings;
 - f. Limited excavating and filling necessary for the maintenance, repair, replacement and reconstruction of existing town and county highways and bridges.
- (3) Uses which are allowed upon the issuance of a zoning permit and which may include filling, flooding, draining, dredging, ditching, tiling or excavating only to the extent specifically provided below:
- a. The construction and maintenance of roads which are necessary to conduct silvicultural activities or are necessary for agricultural cultivation, provided that:
 - 1. The road cannot, as a practical matter, be located outside the wetland;
 - 2. The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland;
 - 3. The road is designed and constructed with the minimum cross-sectional area to serve the intended use;
 - 4. Road construction activities are carried out in the immediate area of the roadbed only; and
 - 5. Any filling, flooding, draining, dredging, ditching, tiling or excavating that is to be done must be necessary for the construction or maintenance of the road;
 - b. The construction and maintenance of nonresidential buildings provided that:
 - 1. Such building is essential to and used solely in conjunction with the raising of water fowl, minnows or other wetland or aquatic animals or a permitted use in the shoreland-wetland district;
 - 2. Such building cannot, as a practical matter, be located outside the wetland;
 - 3. Such building does not exceed five hundred (500) square feet in floor area; and is not designed for human habitation; and
 - 4. Only limited excavating and filling necessary to provide structural support for the building is allowed.
 - c. The establishment and development of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, shooting preserves, public boat launching ramps and access roads used in conjunction with a public boat launching ramp, provided that:

1. Any private recreation or wildlife habitat area must be used exclusively for that purpose;
 2. Filling and excavating necessary for the construction and maintenance of public boat launching ramps and access roads is allowed only where such construction meets the criteria under Subsection (b)(3) a 1-5.
 3. Ditching, excavating, dredging, dike and dam construction in wildlife refuges, game bird and animal farms, fur animal farms and shooting preserves is allowed only for the purpose of improving wildlife habitat or to otherwise enhance wetland values;
- d. The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members, provided that:
1. The transmission and distribution lines and related facilities cannot as a practical matter be located outside the wetland; and
 2. Any filling, excavating, ditching or draining necessary for such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland.
- e. The construction and maintenance of railroad lines, provided that:
1. The railroad lines cannot, as a practical matter, be located outside the wetland; and
 2. Any filling, excavating, ditching, or draining must be necessary for such construction or maintenance and must be done in a manner designed to minimize the adverse impact upon the natural functions of the wetland.
- (c) **Prohibited Uses.** Any use not listed in Subsection (b) above is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this Chapter in accordance with Sec. 59.97(5)(c), Wis. Stats., Chapter NR115, Wis. Adm. Code and Subsection (d) below,
- (d) **Rezoning of Lands in the Shoreland-Wetland Zoning District.**
- (1) For all proposed text and map amendments to the Shoreland-Wetland District, the appropriate district office of the Department shall be provided with the following:
 - a. A copy of every petition for a text or map amendment to the Shoreland-Wetland District, within five (5) days of the filing of such petition with the County Clerk;
 - b. Written notice of the public hearing to be held on a proposed amendment, at least ten (10) days prior to such hearing;
 - c. A copy of the County Zoning Agency's findings and recommendations on each proposed amendment, within ten (10) days after the submission of those findings and recommendations to the County Board; and
 - d. Written notice of the County Board's decision on the proposed amendment, within ten (10) days after it is issued.
 - (2) A wetland, or a portion thereof, in the Shoreland-Wetland District shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

- a. Storm and flood water storage capacity;
 - b. Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
 - c. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
 - d. Shoreline protection against soil erosion;
 - e. Fish spawning, breeding, nursery or feeding grounds;
 - f. Wildlife habitat; or
 - g. Areas of special recreational, scenic or scientific interest, including scarce wetland types.
- (3) If the Department has notified the County Zoning Agency that a proposed amendment to the shoreland-wetland provisions of this Chapter may have a significant adverse impact upon any of the criteria listed in Subsection (d)(2) above, that amendment, if approved by the County Board, shall contain the following provision: This amendment shall not take effect until more than thirty (30) days have elapsed since written notice of the County Board's approval of this amendment was mailed to the Department of Natural Resources. During that thirty (30) day period the Department of Natural Resources may notify the County Board that it will adopt a superseding shoreland ordinance for the County under Sec. 59.971(6), Wis. Stats. If the Department does so notify the County Board, the effect of this amendment shall be stayed until the Sec. 59.971(6), Wis. Stats., adoption procedure is completed or otherwise terminated.

Sec. 9-1-210 through Sec. 9-1-219 Reserved for Future Use.